

March 10, 2021

Dear Chair Senator Mae Flexer and Chair Representative Dan Fox and Members of the Government Administration and Elections Committee:

My name is John Marion and I am Executive Director of the Rhode Island office of Common Cause. I write today to share with you some of my experience with risk-limiting post election audits (RLAs) as you consider H 6575, An Act Concerning Risk-Limiting Audits for Elections, That act will establish a work group to look at the feasibility of conducting them in Connecticut.

In 2013 Common Cause Rhode Island introduced legislation before the Rhode Island General Assembly to allow for the implementation of pilot risk-limiting audits as part of an omnibus election-reform bill. At the time Rhode Island did not conduct any type of post election audit, unlike the majority of states. RLAs are an efficient method for catching and correcting incorrect election outcomes. They are defined in R.I. Gen. Laws § 17-19-37.4(E)(ii)(3) as,

a manual tally employing a statistical method that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the vote-tabulating system for the audited contest. A risk-limiting audit shall begin with a hand tally of the votes in one or more audit units and shall continue to hand tally votes in additional audit units until there is strong statistical evidence that the electoral outcome is correct. In the event that counting additional audit units does not provide strong statistical evidence that the electoral outcome is correct, the audit shall continue until there has been a full manual tally to determine the correct electoral outcome of the audited contest.

In 2016 there was foreign interference in the presidential election and although there was no known intrusion on ballot tabulators, the importance of cybersecurity for elections came into focus. Unrelated, in Rhode Island a ballot tabulator was accidentally programmed incorrectly resulting in an election yielding the incorrect outcome. Fortunately, because of the lopsided totals, the incorrect total was detected, and corrected, prior to certification. Together those incidents convinced our legislature that a method was needed to address potential problems with tabulation. The RLA portion of the omnibus was introduced as standalone legislation and passed in June 2017. It is codified in R.I. Gen. Laws § 17-19-37.4.

Because Rhode Island was only the second state in the nation to require a statewide risk-limiting audit we turned to the first state, Colorado, for lessons learned about their implementation. Myself, and several staff members of the Rhode Island state Board of Elections, traveled to Colorado in November 2017 to witness a statewide RLA. Starting with Colorado, a community of election administrators has formed that is willing to share its wealth of knowledge with other jurisdictions seeking to pilot and implement risk-limiting audits. In 2020 that community expanded to include Michigan, New Jersey, Pennsylvania, Georgia, Virginia, among others.

In 2018 a work group formed including members of advocacy organizations such as Common Cause, the Brennan Center, and Verified Voting, academics from MIT and other universities, Rhode Island election officials, and other election security advocates, including Luther Weeks. That work group planned and executed three pilot risk-limiting audits in January 2019. More than 60 people, including

several from the Connecticut Secretary of State's office, were able to observe. Those pilots tested all three current methods of RLAs: ballot polling, ballot comparison and batch comparison. They also provided first of their kind measurements of the time needed to conduct all three types. We wrote and published an extensive report that you can find at:

<https://www.commoncause.org/resource/pilot-implementation-study-of-risk-limiting-audit-methods-in-the-state-of-rhode-island/>

In June 2020 the Rhode Island Board of Elections conducted the state's first-ever live risk-limiting audit for our delayed Presidential Preference Primary using the batch-comparison method. The audit confirmed the outcome of both the Democratic and Republican primary to a 10% risk-limit after the first sample. In November 2020 they successfully conducted an RLA of the presidential contest to a 9% risk-limit after the first sample.

Should this legislation pass, and the work group be established, the Rhode Island Board of Elections should be able to provide it with information about the cost the state has incurred to plan and execute the two risk-limiting audits conducted so far. Risk-limiting audits are, by design, a publicly observable process, and Connecticut officials are welcome to observe future RLAs in the Ocean State. Additionally, groups and individuals involved in the Rhode Island audit implementation work group would be willing to testify on a variety of topics, including the statistics, software, sampling method, ballot accounting, and other aspects of RLAs.

Should any member of the Committee have questions, please do not hesitate to contact me at [john\\_marion@commoncauseri.org](mailto:john_marion@commoncauseri.org).

Sincerely,

/s/

John Marion

Executive Director

